

North Andover Conservation Commission Meeting Minutes

March 11, 2015

Members Present: Louis A. Napoli, Chairman, John T. Mabon, Deborah A. Feltovic, Albert P. Manzi, Jr.

Members Absent: Douglas W. Saal, Vice Chairman, Joseph W. Lynch, Jr., Sean F. McDonough.

Staff Members Present: Jennifer A. Hughes, Conservation Administrator, Donna M. Wedge Conservation Secretary.

Pledge of Allegiance

Meeting came to Order at: 7:05PM Quorum Present.

Approval of Minutes of 1/14/15

- A motion to accept the meeting minutes of 1/14/15 as drafted and reviewed is made by Mr. Manzi, seconded by Ms. Feltovic.
- Vote unanimous.

Public Meeting:

NACC#138, Friends of North Andover Trails (VMP)

- Thomas Powers of the Friends of North Andover Trails is present.
- Mr. Powers presents the proposal to continue trail maintenance per the prior management plan but add the Boston Hill & the Land around Cry Recycle Center to the list of properties.
- Mr. Mabon asks if the Woodchuck Hill trail is included. He also asks about the final results at Boston Hill.
- Mr. Powers states the Boston Hill trails came out great and are getting some use.
- A motion to accept 5 year Vegetation Management Plan as a small project 4.4.2G & 4.4.2J is made by Mr. Manzi, seconded by Mr. Mabon.
- Vote unanimous.
- A motion to permit the small project as proposed for a period of 5 years is made by Mr. Manzi, seconded by Ms. Feltovic.
- Vote unanimous.

Documents:

- *Application Checklist-Small Project*
- *Small Project Procedures*
- *Vegetation Management Plan dated March 3, 2015*
- *Overview, Proposed Work, Work Schedule Mazurenko Farm & Carter Hill, Locust Trail, Ridge Trail, Scout Trail, Rea's Pond Trail, Highland Trail, Osgood Hill Trail, Stevens Trail, James Swamp Trail, Loop Trail, Connector Trail, Foster Farm, Hillock Trail, Wood Knoll Trail, Shawsheen River Trail, Land around Cyr Recycling Center, Bay Circuit Trail, Boston Hill Trail, Town Farm Forest Road*

- *Aerial Map of Mazurenko Farm, Rea's Pond, Carter Hill & Carter Fields dated January 27, 2015*
- *Aerial Map of Osgood Hill Trails dated January 24, 2015*
- *Aerial Map of James Swamp Trails dated January 30, 2015*
- *Aerial Map of Foster Farm Trails dated January 30, 2015*
- *Aerial Map of Shawsheen River Trails dated January 30, 2015*
- *Aerial Map of Bay Circuit Trail and Cyr Recycle Center dated January 30, 2015*
- *Aerial Map of Boston Hill dated January 30, 2015*
- *Aerial Map of Town Farm Forest & Farnworth Reservation dated January 23, 2015*

Public Hearings:

Request for Determination of Applicability

94 Flagship Drive (Nova Flagship, LLC) (West Environmental, Inc.)

- Steve Webster of Dutton & Garfield, Inc. and Mark D. West of West Environmental, Inc. are present.
- Mr. Mabon reads the legal notice.
- Mr. West states he flagged the wetland area. The proposal is to a total of 2,100 s. f. of pavement adjacent to the wetland and loam and seed the area. Wetland markers would be put up.
- Mr. Manzi asks about the s.f. being added compared to the area being removed.
- Mr. West states approximately 2,300 s.f. is being added and approximately 2,100 being removed.
- Ms. Feltovic questions how the area would be stabilized.
- Mr. West states yes this area would be seeded.
- Mr. Napoli asks about landscaping.
- Mr. West states some landscaping would be added per the Planning Board.
- The Administrator states the wetland line was not reviewed due to heavy snow cover but it was compared to a prior line used in another filing. Lines were similar and wetland is outside of fence. Project is a net benefit to wetland. She recommends wetland markers be on the fence.
- A motion to issue a negative determination with conditions for pre- and post-construction meetings, wetland markers installed on the fence, and erosion control as directed by the Administrator is made by Mr. Mabon, seconded by Ms. Feltovic.
- Vote unanimous.

Documents:

- *Application Checklist-Request for Determination of Applicability*
- *WPA Form 1-Request for Determination of Applicability*
- *Project Description*
- *Signatures and Submittal Requirements*
- *Mass GIS Locus Map dated February 26, 2015*
- *Map tech Locus Map dated February 26, 2015*
- *NHESP Map dated February 26, 2015*
- *Certificate of Mailing dated March 2, 2015*

- *Certified Abutters List dated February 20, 2015*
- *Abutters Notification From*
- *Copy of Town Check*
- *Plan of Proposed Conditions prepared by Christiansen & Sergi, Inc. dated March 9, 2015*
- *Photos dated March 10, 2015*
- *Bing Map dated March 10, 2015*
- *North Andover MIMAP dated March 10, 2015*

Notice of Intent (NOI)

NACC#137, 240 Charles Street (Greater Lawrence Sanitary District) (Rimmer Environmental Consulting, LLC) (cont. from 2/25/15)

- Administrator states the letter stating “no-take” was received from NHESP.
- A motion to close and issue a decision within 21 days is made by Mr. Manzi, seconded by Mr. Mabon.
- Vote unanimous.

Documents:

- *Letter from NHESP prepared by The Natural Heritage & Endangered Species Program dated March 3, 2015*

242-1646, 1 High Street (RCG North Andover Mills, LLC) (Aquatic Control Technology) (cont. from 2/25/15)

- The applicant David Steinbergh of RCG North Andover, Mills, LLC is present.
- Administrator reviews the project proposal to treat invasive species in the pond. She states the NACC’s concern at the last meeting was to have the old Order for the project closed out. She states that the work on this project is time sensitive.
- Mr. Steinbergh states that he has been in touch with Mike Howard at Epsilon and they are just waiting for the snow to melt to do the as-built. He states the projects are unrelated and would like to move forward with pond work since the invasives are choking out the pond and cause odor problems.
- Mr. Mabon states the open OOC could be referenced in the new Order. He states some circumstances two orders are needed..
- A motion to close and issue a decision within 21 days is made by Ms. Feltovic, seconded by Mr. Manzi.
- Vote unanimous.

242-1648, Rosemont Drive & Chestnut Street (North Andover Division of Public Works) (Weston & Sampson Engineers, Inc.)

- Tara E. McManus of Westin & Sampson Engineers, Inc. is present.
- Ms. Feltovic reads the legal notice.
- Ms. McManus presents the proposal to abandon the Rosemont pump station and connect to the Sutton Hill station. Work on the new 12” water line will be in the Buffer Zone to BVW and in Riverfront. All work will be in the pave right-of-way. Silt sacks will be placed in catch basins. The old line will remain. The new line is a high service main. The line will be buried 5’ – 6’.

- Mr. Napoli states the work may require dewatering if the line is going to be 5-6' deep. The work should be done during the Summer time dry season. He asks if the work will be covered at the end of each work day.
- Ms. McManus states the work area would be covered up tight overnight.
- Ms. Feltovic asks what part of the work is in jurisdiction.
- Ms. McManus states about 600' of the 2100' is in jurisdiction.
- Mr. Mabon asks about erosion controls.
- Ms. McManus states silt socks would be used. Only 18-20' of line will be done then backfilled and compacted. The area will be paved at the end of each week.
- Mr. Manzi asks if the old pump station will be demolished.
- Ms. McManus states all equipment will be removed and abandoned for now.
- Mr. Mabon asks about the pocket wetland at Peachtree.
- The Administrator points out that there is a stormwater wetland there.
- Mr. Manzi states the Mosquito Brook gets stocked with fish every springtime in this area.
- Administrator states hearing will need to continue for a DEP file number.
- A motion to grant the request for a continuance to the March 25, 2015 meeting is made by Ms. Feltovic, seconded by Mr. Mabon.
- Vote unanimous.

Documents:

- *Application Checklist-Notice of Intent*
- *Letter prepared by Weston & Sampson Engineers, Inc. dated February 27, 2015*
- *WPA Form-3-Notice of Intent*
- *General Information*
- *Other Applicable Standards and Requirements*
- *NOI Wetland Fee Transmittal Form*
- *Project Description*
- *Checklist for Stormwater Report prepared by Weston & Sampson Engineers, Inc. dated February 27, 2015*
- *Stormwater Report prepared by Weston & Sampson Engineers, Inc. dated February 27, 2015*
- *Construction Sequence prepared by Weston & Sampson Engineer, Inc. dated February 27, 2015*
- *Figure 1 Environmental Resource Map Locus prepared by Weston & Sampson Engineers, Inc. dated February 27, 2015*
- *Locus Map prepared by Weston & Sampson Engineers, Inc. dated February 27, 2015*
- *North Andover Wetlands Regulations Riverfront Map prepared by Weston & Sampson Engineer, Inc. dated June 2, 2003*
- *Plan of Rosemont Pump Station area water main improvement prepared by Weston & Sampson Engineer, Inc. dated February 27, 2015*
- *Plan of Rosemont Pump Station Details prepared by Weston & Sampson Engineer, Inc. dated February 27, 2015*
- *Products being used on the different sites prepared by Weston & Sampson Engineer, Inc. dated August 23, 2011*
- *Affidavit of Service prepared by Weston & Sampson Engineer, Inc. dated February 27, 2015*
- *Notification to Abutters Form*

- *Certified Abutters List dated January 8, 2014*
- *Certified Mail Receipt dated March 3, 2015*
- *Letter prepared by Weston & Sampson Engineer, Inc. dated August 7, 2014*
- *Figure 1 Wetland Resource Area Map prepared by Weston & Sampson, Inc. dated February 27, 2015*
- *Delineation Field Data Form dated March 7, 2014*
- *North Andover Conservation Commission Waiver Request Form dated February 27, 2015*

242-1647, 172 Summer Street (D' Angelo) (Christiansen & Sergi, Inc.)

- The applicant James D' Angelo of 172 Summer Street is present.
- Mr. Mabon reads the legal notice.
- Mr. D'Angelo reviews the project to construct a free standing garage and patio outside the 50' No-Build Zone on his property using frontage on Molly Towne Road.
- Administrator states the wetland delineation cannot be reviewed because of the snow pack.
- Mr. Mabon asks why the structure is being built away from the main house on a different street.
- Mr. D'Angelo reviews the reasons the garage cannot
- Motions to grant the request for a continuance to the March 25, 2015 meeting to verify the wetland line is made by Ms. Feltovic, seconded by Mr. Manzi.
- Vote unanimous.

Documents:

- *Application Checklist-Notice of Intent*
- *WPA From 3-Notice of Intent*
- *General Information*
- *Signatures and Submittal Requirements*
- *NOI Wetland Fee Transmittal Form*
- *Copy of State and Town Check*
- *Project Description and Construction Sequence*
- *Locus Map prepared by Christiansen & Sergi, Inc. dated February 26, 2015*
- *Mass GIS Mapping prepared by Christiansen & Sergi, Inc. dated February 26, 2015*
- *Certified Abutters List dated February 10, 2015*
- *Certified Mail Receipt dated February 26, 2015*
- *Notification to Abutters dated February 26, 2015*
- *Site Plan for Notice of Intent prepared by Christiansen & Sergi, Inc. dated February 26, 2015*

Conservation Restriction

Academy Road (Lot A, Lot 1B-2B, Lot C2 and Lot D) (The Center Realty Trust of North Andover)

- Administrator states many drafts of this Conservation Restriction have been reviewed the current draft reflects most of the changes the Conservation Commission requested.
- The NACC reviews the restriction.
- A motion to approve the approve and sign the restriction is made by Mr. Manzi, seconded by Ms. Feltovic.

- Vote unanimous.
- A motion to accept the Conservation Restriction as drafted is made by Mr. Manzi, seconded by Ms. Feltovic.
- Vote unanimous.

Documents:

- *Conservation Restriction: Grantee - The Center Realty Trust of North Andover*
- *For Title see: Essex North District Registry of Deeds Book 890 page 349*
- *Grantor Clause: Charles A. Salisbury, Benjamin C. Osgood and Donald R. Elliott as the Trustees of the Center Realty Trust of North Andover*
- *Exhibit A-Sketch Plan showing Premises and Old Center Historic District prepared by The Center Realty Trust dated February 17, 2015*
- *Exhibit B-Deed and Plan for Lot A prepared by The Center Realty Trust dated February 17, 2015*
- *Exhibit C-Deed and Plan for Lot C2 and Lot D prepared by The Center Realty Trust dated February 17, 2015*
- *Exhibit D-Deed and Plan for Lot 1B-B2 prepared by The Center Realty Trust dated February 17, 2015*
- *Exhibit E-Certified Town Meeting Vote*
- *Exhibit F-Plan Showing Potential Parking Area*
- *Plan of Land prepared by Merid Engineering dated December 12, 1996*
- *Plan of Land owned by Francis B. Kittredge prepared by Ralph E. Brasseur dated September 17, 1958*

General Business: 7:30PM

Violation Letter

1116 Great Pond Road (Blaeser) (cont. from 1/28/15)

- Andrew Crittenden of AC Landscaping, Inc. presents the restoration plan and the description of how the work will be done. The restoration will be watered and monitored.
- Mr. Napoli asks the width of the path going to the lake. The path should be 4 feet or less. Mr. Napoli asks if the small shoreline island will be restored.
- Mr. Crittenden states the island is inundated at some points during the year and will not be planted..
- Mr. Mabon asks about wetland markers.
- Mr. Crittenden states the markers can go on trees or stakes.
- The Administrator states the work should be completed by June 15.
- Mr. Crittenden reviews the conditions submitted with the restoration planting.
- Mr. Napoli states no stumps are to be removed.
- Mr. Mabon asks if there will be sprinklers. Answer is no.
- A motion to issue an Enforcement Order to implement the planting plan with a preconstruction meeting, wetland markers at the outer edge of planting and and site monitoring of plantings for 2 years is made by Mr. Manzi, seconded by Ms. Feltovic.
- Vote unanimous.

Documents:

- *Letter from AC Landscaping, Inc. dated March 11, 2015*
- *Plan of Planting Plan prepared by AC Landscaping, Inc. dated March 11, 2015*
- *AC Landscaping, Inc. will install measurement markers identify the no disturb area dated March 11, 2015*
- *AC Landscaping, Inc. will purchase and install 4 wetland markers to identify area 25-foot No-Disturbance zone dated March 11, 2015*
- *AC Landscaping, Inc. planting new material will be planted by June 15, 2015 dated March 11, 2015*
- *AC Landscaping, Inc. will water and maintain the plants to ensure their healthy growth dated March 11, 2015*
- *AC Landscaping, Inc. when installing plants, there may be some variation to some placing due to existing stumps and roots dated March 11, 2015*
- *AC Landscaping, Inc. depending on availability, there may be some substitution for bushes if in some case certain species are not available dated March 11, 2015*
- *AC Landscaping, Inc. will cooperate with the board to monitor the project as long as required dated March 11, 2015*

Comment [HJ1]: The document in which these conditions were written should be cited not the individual conditions.

Bylaw Regulation Revisions (cont. from 2/25/15)

- Administrator states that the stormwater revisions are still in progress but the NACC should be able to approve the filing requirements and the fee changes at the next meeting. The matter will need to continue.
- A motion to grant the request for a continuance to the March 25, 2015 meeting is made by Ms. Feltovic, seconded by Mr. Manzi.
- Vote unanimous.

Discussion

National Grid

- The Commission discusses National Grids exemption letter. Mr. Manzi will review further.

Decision

NACC#137, 240 Charles Street (Greater Lawrence Sanitary District)

- The administrator reviews the draft Order of Conditions.
- Mr. Mabon motions to reopen the hearing to consider waiver requests. Ms. Feltovic seconds the motion.
- Vote unanimous.
- Mr. Mabon motions to approve the waiver requests of sections 5.1 and 5.3 of the Bylaw Regulations. Ms. Feltovic seconds the motion.
- Vote unanimous.
- Mr. Manzi votes to close the public hearing. Ms. Feltovic seconds the motion.
- Vote unanimous.
- The Commission accepts Order of Conditions as drafted and amended.

- A motion to accept the Order of Conditions as drafted and amended is made by Mr. Manzi, seconded by Ms. Feltovic.
- Vote unanimous.

A motion to adjourn the meeting at: 8:10PM is made by Mr. Manzi, seconded by Ms. Feltovic. Vote unanimous.